

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

V.

DONNA GAGICH

JUDGMENT INCLUDING SENTENCE
UNDER THE SENTENCING REFORM ACT

Case Number CR No. 04-00041E-002

Gene P. Placidi, Esquire
Defendant's Attorney

THE DEFENDANT:

XX pleaded guilty to count 1.

_____ was found guilty on count(s) _____ after a plea of not guilty.

Accordingly, the court has adjudicated that the defendant is guilty of the following offense(s):

Title and Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U.S.C. § 371	Conspiracy to Commit Mail Fraud	12/2003	1

The defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

_____ The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).

_____ Count(s) _____ (is) (are) dismissed on the motion of the United States.

_____ The mandatory special assessment is included in the portion of this Judgment that imposes a fine.

XX It is ordered that the defendant shall pay to the United States a special assessment of \$100.00, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

20217-068

Defendant's USM No.

January 23, 2006

Date of Imposition of Sentence

Maurice B. Cohill, Jr.

Signature of Judicial Officer

U.S. District Judge

Maurice B. Cohill, Jr.
Date 1/30/06

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PROBATION

The defendant is hereby placed on probation for a term of three (3) years.

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The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- X The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

For offenses committed on or after September 13, 1994:

X The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to periodic drug tests, as directed by the probation officer.

— The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.

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ADDITIONAL CONDITIONS OF SUPERVISION

The defendant shall provide the probation officer with access to any requested financial information.

The defendant shall not incur new credit charges or open additional lines of credit without approval of the probation officer.

The defendant shall participate in a program of testing and, if necessary, treatment for substance abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. Further, the defendant shall be required to contribute to the costs of services for any such treatment in an amount determined by the probation officer, but not to exceed the actual cost. The defendant shall submit to one drug urinalysis within 15 days after being placed on supervised release, and at least two periodic test thereafter.

The defendant shall be placed on home detention for a period of 6 months, to commence at the discretion of the probation office. During this time, the defendant shall remain at her place of residence except for employment and other activities approved in advance by the probation officer. At the direction of the probation officer, the defendant shall wear an electronic device and shall observe the rules specified by the Probation Department.

The defendant is to pay the cost of the electronic monitoring portion of this sentence, not to exceed the daily contractual rate. Payment for the electronic monitoring shall be made in accordance with the probation officer's direction. Changes to the established rate can be made by the probation officer subject to supervisory approval.

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STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

- 1) the defendant shall not commit another Federal state or local crime;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall support his or her dependents and meet other family responsibilities;
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling training or other acceptable reasons;
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase possess use distribute or administer any narcotic or other controlled substance or any paraphernalia related to such substances except as prescribed by a physician;
- 9) the defendant shall not frequent places where controlled substances are illegally sold used distributed or administered;
- 10) the defendant shall not associate with any persons engaged in and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer; criminal activity
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history of characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

These conditions are in addition to any other conditions imposed by this Judgment.

Upon finding of a violation of probation or supervised release I understand that the Court may (1) revoke supervision (2) extend the term of supervision and/or (3) modify the conditions of supervision.

All of the conditions listed in this order have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signature)

(Date)

U.S. Probation Officer/Designated Witness

(Date)

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**RESTITUTION, FORFEITURE, OR
OTHER PROVISIONS OF THE JUDGMENT**

The defendant shall make restitution to the following persons in the following amounts:

<u>Payee</u>	<u>Name of Payee</u> <u>Amount of Restitution</u> <u>Amount</u>
George Schmitt	\$1,700.00
Stanley Talabach	\$ 40.00
Total	\$1,740.00

Payments of restitution are to be made to:

___ the United States Attorney for transfer to the payee(s).

XX Clerk, U. S. District Court, for transfer to the payee.

Restitution shall be paid:

___ in full immediately.

___ in full no later than __.

___ in equal monthly installments over a period of __ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.

XX in installments according to the following schedule of payments:

The defendant shall make restitution payments at the rate of not less than ten percent (10%) of her gross monthly income. Any payment of restitution that is not payment in full shall be divided proportionately among the persons named.

The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f) and may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

XX The Court has determined that the defendant does not have the ability to pay interest. It is ordered that:

XX The interest requirement is waived.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

FORFEITURE

___ The defendant is ordered to forfeit the following property to the United States: